

FILED

SEP 20 2017

Clerk, U.S. District Court
District Of Montana
Billings

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff/Respondent,

vs.

TODD KENNETH HOROB,

Defendant/Movant.

Cause No. CR 08-93-BLG-SPW

ORDER

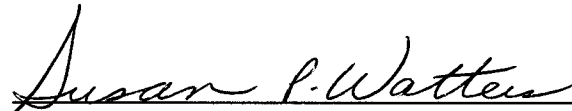
This matter comes before the Court on documents received from Todd Kenneth Horob. As Horob well knows, this Court will not file documents from him if they allege a defect in the record of the criminal proceedings. That allegation was addressed in previous proceedings and will not be re-litigated. *See* Order (Doc. 201); *see also* Order (Doc. 206), *United States v. Horob*, No. 15-35556 (9th Cir. Oct. 23, 2015).

Horob now alleges, however, that he was sexually assaulted by a guard at FCI Sandstone and, as a result, requires surgery. Sexual assault of an inmate by a guard is unlawful, regardless of the guard's motivation. Thus, assuming Horob is telling the truth about the assault, he may have a cause of action. It is highly unlikely that this Court would have jurisdiction over such an action. *See, e.g.,* *Walden v. Fiore*, __ U.S. __, 134 S. Ct. 1115, 1121 (2014); *World-Wide*

Volkswagen Corp. v. Woodson, 444 U.S. 286, 291 (1980). Nonetheless, the allegation of sexual assault is serious enough that Horob should be given an opportunity to articulate a claim if he wishes to proceed with a civil action.

Accordingly, IT IS HEREBY ORDERED that the clerk shall include with Horob's service copy of this Order the standard complaint form for civil actions in this District, as well as the form motion to proceed in forma pauperis. No other action will be taken at this time.

DATED this 20th day of September, 2017.



Susan P. Watters
United States District Court